

Application No.: 10/507,023
Filing date: March 14, 2005
Inventor: van der Heijden et al.
Docket No.: 903-117 PCT/US
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Remarks/Arguments:

Introduction

Claims 17-51 are pending in the application. Claim 40 has been amended. No new matter has been introduced. Applicant acknowledges that claims 17-34 are allowed and claims 38, 44 and 48-50 would be allowable if rewritten in independent form. Further to our telephone conversation on August 28, 2007, applicant acknowledges that the Office Action dated June 15, 2007 incorrectly cites to French Patent 2,799,446 in a §102 rejection. The Examiner has identified European Patent No. 0443519 as the correct reference that should be cited in the §102 rejection.

Section 112 Rejections

Claim 40 has been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, in claim 40 “the securing collars” lacks antecedent basis. Applicant has amended claim 40. In view of the amendment, the rejection is believed to be overcome.

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Section 102 Rejections

Claims 35-37, 39-43, 45-47 and 51 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by European Patent No. 0443519 to Feldman (hereinafter "Feldman"). The Examiner stated:

Feldman discloses, in figs. 1-3, a combination of two containers to form a dispensing unit comprising first and second coupling members 38, 49 arranged fixedly on a pump-actuation button 10; and a reservoir holder 64, 72.

(Office Action dated June 15, 2007, page 2)

Applicant respectfully traverses the rejection.

In Feldman coupling members are provided between the reservoirs and pump actuating buttons of both containers. Due to the coupling members provided in the reservoirs, specially designed reservoirs are required.

A disadvantage of the specially designed reservoirs for the combination of Feldman is that these are difficult to manufacture because of their special shape and are therefore costly. Furthermore, in the design of Feldman two different specially designed reservoirs are needed. Moreover, the use of reservoirs with different designs may require substantive changes to the filling apparatus needed for the filling of the reservoirs.

In view of the above disadvantages, there is a need to provide a dispensing unit having a combination of a first container and a second container in which conventional reservoirs may be used. In this respect "conventional" reservoirs refers to reservoirs typically used in a dispensing device with a single reservoir as known in the prior art.

Claim 35 provides a solution for the above disadvantages by providing coupling means on the pump actuating buttons, so that the pump actuating buttons of both containers can be actuated simultaneously, and providing a reservoir holding device to receive and hold the two reservoirs, thereby providing sufficient coupling strength between the two containers, in particular the reservoirs so that liquid can easily be dispensed therefrom. When such reservoir holder is used, this reservoir holder can easily be designed to hold any reservoir type, in particular conventional reservoir types. As a result, no separately specially designed reservoirs are required for the dispensing unit of the present invention as claimed in claim 35.

Feldman fails to disclose the use of a reservoir holder in combination with the connection of the two pump actuating buttons for a combination of a first and a second container, as recited in the claims. Therefore, the rejection under Section 102 is believed to be moot.

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Summary

In view of the above-remarks and claim amendments, this application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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